

REMARKS

The Examiner has rejected the claims on various bases. In response thereto, Applicant has amended the application so as to overcome the rejections of the Examiner. Applicant respectfully submits that the application is now in condition for allowance at the present time.

At the outset, Applicant acknowledges that the Examiner has allowed claims 59-61, 63-65, 70-72, 74, 76-79 and 81-83.

The Examiner has rejected claim 45 under 35 U.S.C. §112 based on the contention that claim 45 is indefinite as to whether the "skirt portion" is the same as that defined in claim 44 at line 6. Applicant submits that this rejection is moot inasmuch as claim 45 has been cancelled. The subject matter of claim 45 has been incorporated into claim 44.

The Examiner has rejected claims 44, 45 and 48 under 35 U.S.C. §102(b) based on the contention that it is unpatentable over U.S. Patent No. 5,303,837 issued to Adams et al. Applicant submits that as amended claim 44 defines over the prior art. In particular, the removable tab 46 and band 44 are connected to the remainder of the cap through a plurality of external ribs (reference number 36 in Figure 3). These ribs are spaced apart about the circumference of the cap. In the present invention, the flange and the skirt are continuous such that the proper seals and proper sterilization can occur within the filling equipment. Having a discontinuous flange/skirt would preclude the proper sealing of the cap with the various structures of the sterilization, and, in turn, sterilization could not be effectively achieved.

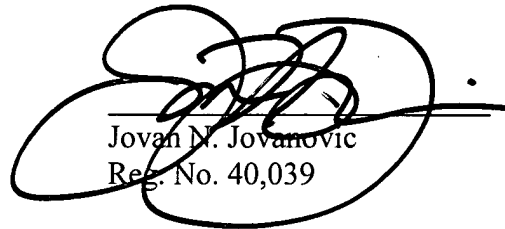
In light of the foregoing, Applicant submits that the remaining (non-withdrawn) claims should be deemed allowable at the present time as well. Furthermore, inasmuch as generic claims have been deemed allowable, previously withdrawn claims, namely, claims 46, 50-56, 62, 66-69, 73, and 75 should likewise be deemed allowable at the present time. Accordingly, Applicant

submits that each of claims 44-56, 59-79 and 81-83 should be deemed allowable at the present time. Reconsideration is respectfully solicited.

In light of the foregoing, Applicant submits that the invention is presently in condition for substantive examination. Reconsideration and substantive examination is respectfully solicited.

Respectfully Submitted,

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